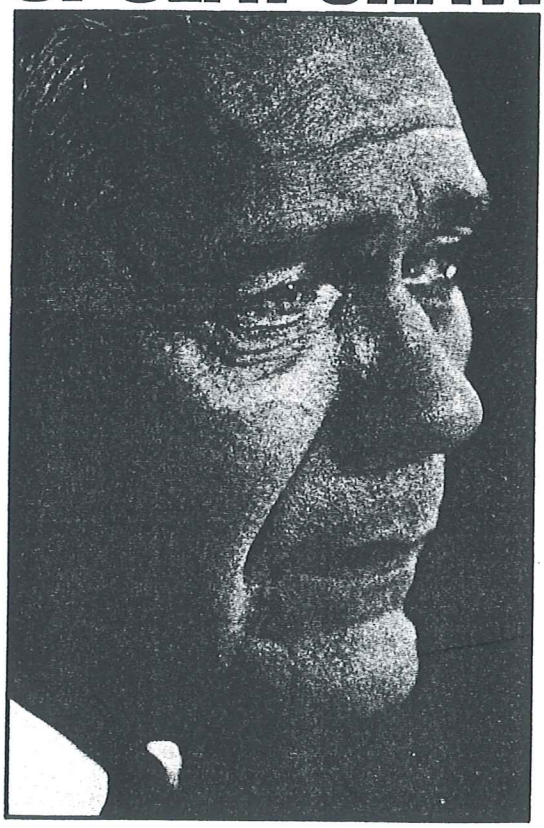
HOW ONE MAN RUINED ANOTHER AND SUBVERTED OUR LEGAL SYSTEM

THE PERSECUTION OF CLAY SHAW



NO OTHER PEOPLE love fantasy more than the people of New Orleans. The storied French Quarter bumps and grinds nightly with silicone sex, and offers make-believe love for a price. The swamps and bayous and mossy woods spawn poltergeists and *loup-garou*, the werewolf of Cajun lore. A mysterious light, they say, glows some nights over the tomb of Marie Laveau, the Queen of Voodoo. And, if you know where to go in that land of Mardi Gras, you can still buy love potions and "come-back" and "go-away" powders to make any and all dreams come true.

Nor do any other people more appreciate an audacious, loquacious, intriguing, slap-around politician—a Huey "Kingfish" Long, an Earl "Ol' Uncle Earl" Long, a Leander "the Jedge" Perez. And now, it is "the Jolly Green Giant"—Earling Carothers (until he legally changed it to just plain Jim) Garrison, the out-size district attorney of Orleans Parish (New Orleans), with his own special brand of Dixieland McCarthyism.

At 47, Big Jim—he stands six-six in his size-14 shoes and weighs 225—has suffered an embarrassment that would undo just about any other prosecutor in the country. For two years, there was the buildup, rife with cliff-hanging hullabaloo and a cavalcade of bizarre "witnesses," and then he finally went to trial with charges that Clay L. Shaw, a prominent, retired New Orleans businessman, conspired with Lee Harvey Oswald and others to assassinate President John F. Kennedy. It took the jury but 50 minutes to weigh the "evidence" and find that Shaw was innocent.

The New Orleans newspapers, for two years supinely obedient to the court's demand for no pre-verdict comment, broke silence immediately. In a page one editorial on March 1, the *States-Item* bristled:

"District Attorney Jim Garrison should resign. He has . . . abused the vast powers of his office. He has perverted the law rather than prosecuted it.... Clay L. Shaw has been vindicated, but the damage to his reputation caused by Mr. Garrison's witch hunt may never be repaired. It is all too shameful. . . .

"Mr. Garrison himself should now be brought to the bar to answer for his conduct. The jury has spoken. Clay Shaw is innocent.

"And Mr. Garrison stands revealed for what he is—a man without principle who would pervert the legal process to his own ends."

Garrison was undismayed. Two days later, he filed a new indictment against Shaw, this time on charges of perjury. And nobody did anything about it. Private polls showed Garrison could easily win nomination for DA, equal to election, in the November 8 Democratic primary, and perhaps even for Mayor. Elsewhere in the world, Garrison may be the Emperor without clothes—exposed as incompetent and irresponsible. But not in New Orleans. In a month of knocking about my old hometown and sifting the embers of the Garrison-Shaw debacle, I kept running into the same, trusting, hopeful phrase—word for word, as if memorized at some Orwellian mass-rally rehearsal:

"Well, I don't know. . . . Big Jim must have something."

That "something" was never produced in court, after two years of talk about secret evidence—most of it cannily put out on Fridays for leisurely weekend consumption. Yet it has wrecked Clay Shaw's life. Once moderately well-off, Shaw at 56 is broke and in debt and has come out of retirement in quest of a job. Once highly respected, he goes about the city still, determinedly cheerful but wincing under the stares, usually from rubbernecking tourists in the French Quarter, where he lives, but also from old friends. He is the local two-headed calf, notorious the rest of his days. His reputation as a genteel, discreet homosexual was once accepted with forbearance. Laissez-faire New Orleans cared only that he lived with dignity. Now the gossips snigger.

In an interview, Shaw spoke sadly but without rancor about his ordeal. We talked in his carriage-house home at 1313 Dauphine Street, where he was arrested on March 1, 1967, two years to the day before his acquittal. It is one of 16 houses in the *Vieux Carré* that Shaw, once hailed as a "one-man French Quarter restoration society," has rehabilitated. There is a kitchen and good-size living room downstairs, with a broad staircase winding to a

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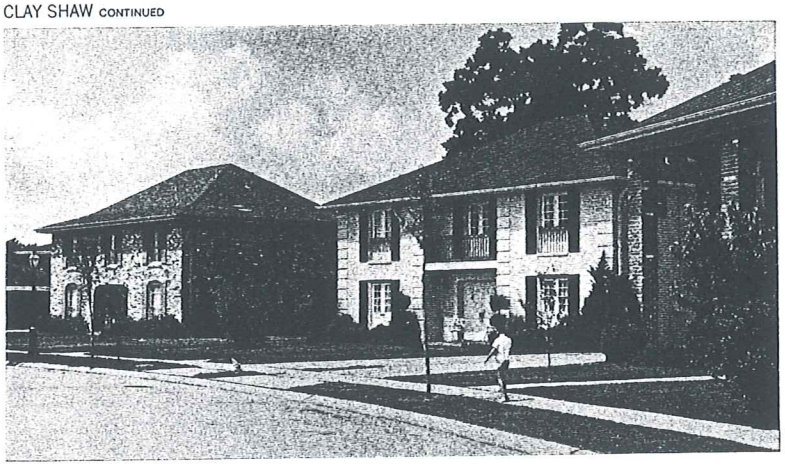
BY WARREN ROGERS
CHIEF, LOOK WASHINGTON BUREAU



Garrison insists there is no mob in New Orleans. But he lives in this handsome white house built by Frank Occhipinti (above), a front for and partner of Carlos Marcello, the local boss of the Mafia. The DA got it for a bargain $65,000. Occhipinti lives in the old-brick house next door.

bedroom and bathroom upstairs. The living room has a beamed ceiling, pale-green-silk wall covering, and French doors that open onto a brick-fenced patio with a fountain. There are also a built-in bookcase, a number of large paintings, and, on the polished cork floor, a scattering of Oriental rugs. All in all, it is a warm, friendly place. Shaw was unabashedly proud of it. A few days later, he sold it, to raise cash to pay his bills.

As we talked, it struck me as ludicrous that Garrison's witnesses had been so generally unsure in describing Shaw. His appearance is not easily forgotten. He is six-four, deep-chested and broad-shouldered. His face is square, with a flared nose, and his hair is silver, close-cropped and rather kinky. His eyes are a startlingly pale blue, emphasized by the kind of tan usually kept up by sun in the summer and sun lamp in the winter. He spoke matter-of-factly, deep-voiced, at times almost mumbling. He seemed worn out. I asked him how he felt about Garrison.

"Personally, I think he's quite ill, mentally," Shaw replied. "He was, as you know, discharged from the Army after a diagnosis of 'anxiety' and told to take psychotherapy. I know he has been to a number of analysts. I think, basically, he is getting worse all the time. I think there is a division of his mind. With one half of his mind, he is able to go out and fabricate evidence, and then by some osmosis, he is able to convince the other half that the fabrication is the truth. And then, I think, he believes it implicitly."

Shaw could recall nothing he did that might have gained Garrison's enmity. He knew Garrison prior to his arrest, but "never had a drink with him or a meal or any conversation." Once, he said, he had sat at the next restaurant table from Garrison and his wife, and Garrison "was drunk and got drunker and drunker and more abusive toward his wife and finally threw a glass of wine in her face." Garrison knew he was a witness to that, Shaw said.

I asked him why he seemed so dispassionate about Garrison, why he was not completely bitter.

"If he's really as sick as I believe him to be, then what's the point, you know? But if you ask, 'Shouldn't something be done about it?' then I would say he should be removed from public life. And this I don't see imminent, without any real change in conditions."

No change in conditions is forecast. In the current climate of the little fellow's frustration over Federal authority—doubly strong in the South because of civil rights resentments—Big Jim is a giant indeed. For did he not accuse them all, directly or by nuance, of complicity in President Kennedy's murder? The FBI, the CIA, the Justice Department, and even Lyndon B. Johnson? His slashing, quotable rhetoric and his flare for the dramatic have made him a folk hero, much as those qualities sanctified Huey Long in the 1930's, when the Kingfish challenged Franklin D. Roosevelt and published a book smugly entitled, *My First Days in the White House*. Do Garrison's ambitions soar that high? Perhaps. It is known that he accepted a $2,000 campaign contribution, with promises of much more, from young rightists who want him for President. Is he thinking of taking on his old political pal, Gov. John J. McKeithen? Possibly. McKeithen once called him the strongest politician in the state and fears him enough to have coughed up $5,000 for his Kennedy investigation. Has he returned to his old dream of replacing Allen J. Ellender, Louisiana's aging senior U.S. senator? Nobody knows. A big billboard above Canal Street, New Orleans' broad, marble-sidewalked main thoroughfare, says simply: "Vote for Jim Garrison." It omits the office he seeks.

Garrison was born November 20, 1921, in Denison, Iowa. His parents were divorced when he was about two, and his mother took him to Chicago. They moved to New Orleans when he was about ten. After one year at Tulane University, he was called to active duty with the National Guard in January, 1941, serving as an artillery officer and pilot until his discharge in March, 1946. From then until July 24, 1951, when he went back on active duty at his own request, he earned an undergraduate and a law degree at Tulane, practiced law for a while and worked briefly for the FBI.

He was relieved from active duty on October 31, 1951, and discharged, effective January 9, 1952, for "physical disability." Doctors at Brooke Army Hospital in Texas found he was suffering from a chronic, moderate anxiety reaction, manifested by chronic hypochondriasis, exhaustion syndrome, gastrointestinal discomfort and a strange allergy to lint, especially wool lint. He also was found to have a mother dependency. He was diagnosed as totally incapacitated for military service and moderately impaired for civilian life. Long-term psychotherapy was recommended. In 1955, at his request, his medical history was waived and he was reinstated in the National Guard as a captain. He became a major in 1959 and a lieutenant colonel in 1964.

SOON AFTER BECOMING DA seven years ago, Garrison launched a crackdown on French Quarter homosexuals and the "gay" bars they frequented. He followed up with a drive against Bourbon Street striptease joints, padlocking some, forcing others to close, causing still others to curb B-drinking and prostitution. He thus gained national prominence as a fighting DA and, along the way, got into brawls with Orleans Parish's Criminal District Court judges, Mayor Victor H. Schiro, the New Orleans police and the Louisiana legislature. He beat them or fought to a standoff, and thereby won more strength—and more fear—than any of them.

By late 1966, Garrison was ready for bigger game: The Warren Commission and its finding that Lee Harvey Oswald, acting alone, fired the shots that killed President Kennedy in Dallas on November 22, 1963. Encouraged by Louisiana U.S. Sen. Russell B. Long, and bending an ear to various unsavory informers, he decided the assassination was a conspiracy hatched in New Orleans and involving Cuban refugees, Oswald and others.

One of the first to be fingered was David W. Ferrie. A strange man—he had no hair on his body and wore pasted-on eyebrows and a wispy red wig—Ferrie was a pilot, a student of medicine and religion, a self-styled psychologist and philosopher, a hypnotist, a pianist and a homosexual. It was said he had helped train soldiers for a Cuban invasion and had even fire-bombed Cuba. He made speeches denouncing the Kennedy Administration's disastrous botching of the Bay of Pigs invasion. Garrison kept Ferrie under surveillance but told newsmen he was unimportant. Yet, when Ferrie was found dead on

February 22, 1967, of a cerebral hemorrhage, he suddenly became, in Garrison's words, "one of history's most important individuals."

On March 1, 1967, the day Ferrie was buried, Big Jim made his first arrest: Clay Shaw, former managing director of the International Trade Mart, a much-honored civic leader and pillar of New Orleans society. As they led Shaw away in handcuffs, police confiscated from his home, among other things, whips, rope, pieces of leather, a chain, and a black hood and cape. Shaw said they were from Mardi Gras costumes he had worn over the years, and others later corroborated this. But the explanation never caught up with the implication.

William Gurvich, chief investigator for Garrison until he quit in shock over his methods, like other ex-aides who soured on Big Jim, often pondered how he linked Shaw with the case. The most believable explanation, judging by Garrison's comments to his staff, is this: Dean Andrews, a roly-poly, Runyonesque attorney who once represented Oswald in New Orleans, told the Warren Commission that while ill at Hotel Dieu hospital shortly after President Kennedy's assassination, he received a call. The telephoner, he said, was a Clay Bertrand, who asked if he would represent Oswald in Dallas. Andrews later identified Eugene C. Davis, a tavern keeper, as Bertrand, but Davis denied it, and Andrews finally admitted he had made up the name. Garrison, however, took the name "Clay" and reasoned that, since Shaw's first name was Clay, Shaw was therefore Bertrand. He proceeded on that incredible premise. In Las Vegas, where he is fond of going, he told a reporter, "This won't be the first time I've arrested somebody and then built my case afterward." And he had himself a patsy, a man whose sex life would provoke prejudice against him and who would find it difficult to fight back. It was a perfect setup for fraud and persecution. He went ahead.

LIKE THE LATE Sen. Joseph McCarthy, who believed in guilt by association, Garrison sought to demonstrate that anybody who lived or worked near somebody must have associated with him. To that end, he tinkered with elaborate "propinquity tables." Yet, just as McCarthy never found one Communist in the State Department, Garrison never proved any guilt by propinquity. He failed to produce any evidence that any of the three accused as conspirators knew each other at all—even with Oswald and Ferrie conveniently dead. Nor did he ever come close to his uppermost goal, proving that President Kennedy was shot from the front and not from the rear by Oswald, who, he often said, "did not kill anyone that day in Dallas."

Garrison's case against Shaw boiled down to two main charges:

That, at a meeting in Ferrie's uptown New Orleans apartment in September, 1963, Shaw conspired with Ferrie, Oswald and others to murder John F. Kennedy, with the prosecution's star witness, Perry Raymond Russo, listening in but not taking part in the conspiracy.

That, at a party in a French Quarter apartment in June, 1963, Shaw, Ferrie and others talked about killing President Kennedy.

Day by day, as the trial developed, the case collapsed.

Russo, a 27-year-old insurance and *Great Books of the Western World* salesman, at first testified that he had indeed listened to Kennedy assassination plotting by Shaw, Ferrie and Oswald at Ferrie's apartment. But, under cross-examination, he revealed that Garrison's staff had hypnotized him, given him Sodium Pentothol, "truth serum," and, through posthypnotic suggestion and steady rehearsal, taught him his story. Russo admitted, under questioning by defense counsel F. Irvin Dymond, that the meeting he described at Ferrie's was a harmless "bull session," not a cabalistic conspiracy. At one point, when Dymond kept using the term, Russo objected, "I don't use that word 'bull session'—I would say, 'shooting the breeze.' " Later, he snapped, "I never said anything about a conspiracy—I didn't sit in on any conspiracies."

Kept secret by Garrison, then and now, was a 1,000-word memorandum —a copy of which went to him before Russo took the stand—from Sgt. Edward O'Donnell, a 17-year veteran of the New Orleans Police Department and operator of its polygraph (lie detector). In the memo, O'Donnell said he tried twice in 1967, on June 16 and June 19, to give Russo a polygraph test. Each time, he said, the results were so erratic that he concluded Russo was either "under general nervous tension" or intended to lie. With the machine disconnected, O'Donnell said, he asked Russo if Shaw was at the purported "plot party" in Ferrie's apartment.

"Do you want to know the truth?" Russo responded. When O'Donnell replied, "Yes," Russo said, "I don't know if he was there or not." O'Donnell, commenting that Shaw was not the type one could easily forget, demanded a "Yes" or "No," and Russo said he would have to say "No." O'Donnell asked why, then, had he positively identified Shaw as having been at the Ferrie party. Russo replied that Dymond had "turned me on" by asking if he believed in God—"an area which I am highly sensitive about." Asked about the conversation at Ferrie's, Russo told O'Donnell it sounded like a routine conversation, in which people sit around and talk about the perfect murder or how to defraud insurance companies without ever intending to act, and that it was all very vague in his mind as to who said what.

Russo concluded by saying he would like to meet Shaw, to size him up as to whether he was the kind of person who could participate in such a plot, and suggesting that, if he knew what other evidence Garrison had against Shaw, he might be better able to come to a decision himself. O'Donnell admonished Russo to tell the truth, regardless.

O'Donnell reported all this on June 19, 1967, to Garrison and Assistant District Attorney James Alcock, chief prosecutor at the Shaw trial. Later, in the presence of Garrison, Alcock and Andrew Sciambra, another assistant DA, Russo denied he had said what O'Donnell reported. Pressure was brought on O'Donnell to agree he had misunderstood Russo, but he refused.

Sciambra, a few months out of law school when he made initial contact with Russo in 1967, came a cropper too. He interviewed Russo in Baton Rouge for three hours and wrote a 3,500-word memo to Garrison about it; but never once did he mention any conspiracy meeting at Ferrie's involving Oswald, Shaw or "Clay Bertrand"—the name Garrison tried to pin on Shaw long after he knew it existed only in Dean Andrews' imagination. Sciambra, trying to explain away the omission, has claimed he made more than 30 errors and omissions in the most important memo he ever wrote in his life.

Charles Spiesel, Garrison's big "surprise" witness, impressed the courtroom with his report on a party in June, 1963, at a French Quarter apartment, where, he said, Shaw, Ferrie and others talked about killing President Kennedy. But the good impression evaporated under cross-examination. The defense, aware despite Garrison's secrecy that Spiesel was to testify, spent $4,000 of its meager resources to have a private detective investigate his background in New York City. The results helped explain why Garrison flew Spiesel in, put him on the stand within two hours, and had a ticket ready for his return the same day.

Spiesel readily testified, to Dymond's gentle questioning, that he had been involuntarily hypnotized about 50 times by enemies sometimes posing as relatives, and that his sex life had been adversely affected thereby. He was bothered, he said, by the New York police, private detectives, rival accountants and Communists. If Garrison was not aware of Spiesel's aberrations, he should have been—for Spiesel testified that once, when he sensed somebody following him, he asked Garrison's office for an affadavit that none of the DA's men were on his tail.

When Spiesel, after carefully describing the "plot" apartment, said he thought he could find it again, Judge Edward A. Haggerty, Jr., quickly agreed to let him try. New Orleans thereupon had itself another parade—court, jury, press, spectators and all, bused to the general vicinity of Clay Shaw's home in the French Quarter. Spiesel's search, as all by then expected, went unrequited. Undaunted, Spiesel complained to a reporter: "This isn't the first time *they* have done this to me."

There were other charges, and prosecution witnesses, but they, too, failed to convince the jury. The witnesses included:

A mailman who swore he delivered letters addressed to Clay Shaw and a Clem Bertrand to the same address. But, when fed a fictitious name by the defense, he promptly said yes, he had delivered letters to that one too.

A confessed heroin addict who said that while giving himself an injection, he saw Shaw and Oswald talking on the New Orleans lakefront. However, he never satisfactorily explained why he left the privacy of his dwelling to risk a "fix" in public.

An airport hostess who testified she saw Shaw sign "Clay Bertrand" to a VIP registration book—on the bottom line of a page, where it could easily have been written in at any time. Two handwriting experts said the signature could not have been made by Shaw.

The town marshal and others from Clinton, La., who swore they saw or thought they saw Shaw, Ferrie and Oswald together in Clinton in the summer of 1963. They were positioned during the jury-selecting start of the trial so as to get good and frequent looks at Shaw, who, they were prompted, "is the gray-haired man you've told us about."

As Garrison built his case, he took to looking over his shoulder for enemies out to trap him or do him in. He talked of possible phone taps by the "Feebees," meaning FBI men, and of potential Cuban assassins. Once, his staff devised a code to thwart eavesdroppers, but Garrison could never master it and it was dropped. He made up one of his own, and it became an office joke. He hired bodyguards, and he asked a sturdy aide to stand between him

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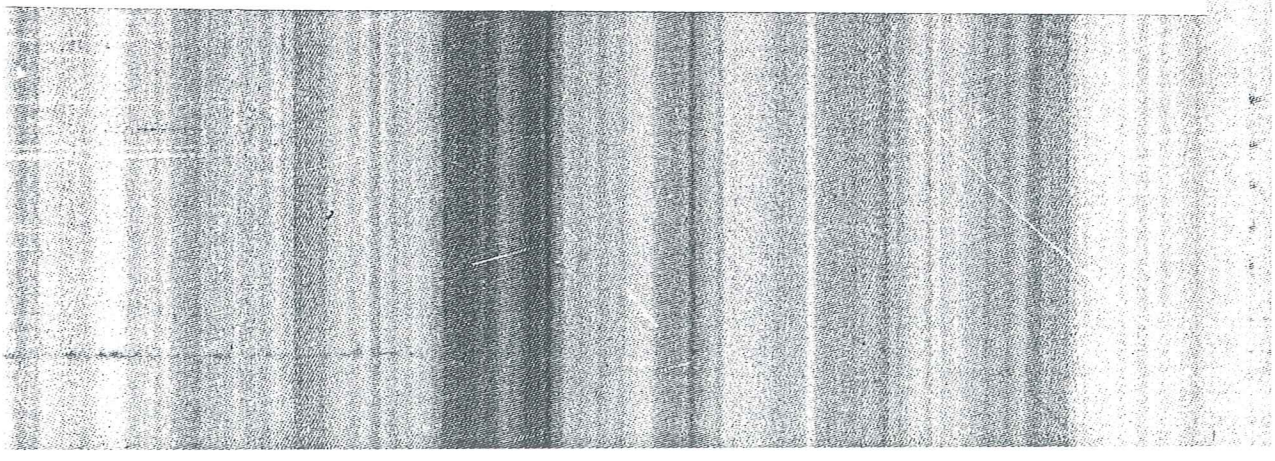

and Shaw whenever they talked so as to protect him if Shaw took a swing.

One reporter remembers a call on Garrison at his home this way: "It was like watching the late, late show—people coming and going, the phone ringing every ten minutes. On the phone, Garrison sounded like a Bingo caller—'B-16, N-37'—and so on.

" 'It's the only way I can talk to my people without the Feebees knowing my every step,' Garrison grinned when he sat down with me. 'They'll never break this old Navy code I'm using.'

"His wife asked if it would be all right if she took the children for a walk. He meditated a while and then said, 'Oh, yes, I suppose so—they always sleep late.' I asked him who 'they' were, and he replied, 'There's a torpedo from Havana after me, but they always sleep late.' "

At his office, besides having at least one room "bugged," Garrison also had a "one-way" mirror installed and allowed some photographers to make pictures through it of Shaw and others being questioned.

In dealing with the press, Garrison apparently took the position that

Big Jim Garrison (left) ignored the Mob, accused Shaw and two dead men in his hunt for a JFK plot

those not for him were against him. Unfriendlies were hauled before the grand jury and sometimes indicted for bribery or some-such. On May 17, 1967, he became so enraged at Walter Sheridan of NBC and Richard Townley of WDSU-TV for their nationally televised show exposing prosecution bribery and perjury that he ordered them arrested, handcuffed and beaten. The order was given to William Gurvich, then his chief investigator. Gurvich refused to carry it out. When Assistant DA James Alcock objected that there were no legal grounds for such arrests, Garrison chided, "Don't be so legalistic." Sheridan and Townley later were charged with bribery.

The incident was one of several that led Gurvich, a highly respected private detective, to quit Garrison and help out Shaw's defense. (Another was a Garrison scheme, never executed, to raid the New Orleans FBI office with red-pepper guns.) Gurvich was arrested, of course, and charged with theft of DA records. Alcock and another assistant DA, Charles Ward, had strong doubts but muffled them and stayed on to the bitter end. At one point, Alcock told Gurvich that if the two of them had been in New Orleans when Garrison arrested Shaw, the arrest would not have taken place. And Ward told Gurvich the arrest was based on "raw political power." Ward and Garrison have since fallen out. Passed over for a judgeship, Ward quit Garrison on June 17 to oppose him in the election for DA.

Garrison's most persistent bête noire—at least, the one man who seems to get his goat the most—is tenacious, thick-skinned Aaron Kohn, managing director of the Metropolitan Crime Commission of New Orleans. Garrison often boasts there is no organized crime in the city, and each time, Kohn breaks out evidence from his voluminous files to show there is. Kohn cannot remember how many times he has been hauled before the grand jury—drawn heavily from among Garrison cronies at the New Orleans Athletic Club, the DA's regular hangout. But every time he faces the jury, Kohn feels, Big Jim's staff tries to trap him into perjury or a contempt citation. Last year, he was charged with contempt.

Perhaps it is because he insists the Mob does not operate in New Orleans that Garrison did not look into one other option open to him in his assassination probe. It was clear that Ferrie had connections with Cubans plotting the forcible overthrow of Castro, but it was equally well known that he had strong ties with Carlos Marcello, the local *capo* Mafia.

Ferrie worked as an investigator for G. Wray Gill, Marcello's attorney, knew Marcello and telephoned him several times. There are indications that Marcello helped finance a gasoline station that Ferrie owned for a while. On the day President Kennedy was assassinated, Gill won a Federal court case brought against Marcello. Ferrie said he was in court that day, and, to celebrate the victory, drove on the spur of the moment to Houston and Galveston with two young friends, Alvin Beauboeuf and Layton Martens. When Beauboeuf and Martens were arrested by Garrison's men, they said they would not talk without a lawyer and handed over the business card of Jack Wasserman, a big-time Washington attorney who represents Marcello. And it was all around New Orleans that when Marcello flew back from Guatemala after a deportation, Ferrie piloted the plane.

If it was a conspiracy that killed President Kennedy, as Garrison claims, the Cosa Nostra should have been a prime suspect. The Mafia *is* a conspiracy, and it had the organization, the assassination know-how, the skilled manpower, and a motive: if nothing else, to rid itself of the President's racket-busting brother, Attorney General Robert F. Kennedy. What the unhappy Cuban refugees could gain is unclear, and they were and are about as organized and disciplined as a kindergarten fire drill.

In public records, sometimes only thinly obscured, it is possible to see an association between the big, bluff, moralizing DA and the organized crime he says does not exist. For example:

Garrison, whose salary as DA is $17,500 a year, lives with his wife and five children in a spacious, handsomely furnished, upper-middle-class home at 4600 Owens Blvd. He bought it on November 24, 1965—four years after he had announced he was broke and owed $9,000 in campaign debts—for $65,000. Terms were $13,000 in cash, the balance by promissory note of $52,000, payable in monthly installments of $335.10. The seller, Peter J. Casano, apparently lost $2,500 on the deal. He had bought the land the previous April 5 for $18,500 cash and had borrowed $49,000 to pay the contractor, Frank Occhipinti, for building the house—a total of $67,500.

Despite the bargain he got from Casano, Garrison must have had a financial load for a while. It took him until June 27, 1956, to get rid of his old home, bought in 1962, at 1332 Crescent St., and so, for about seven months, he faced monthly mortgage payments there of $171.95 in addition to the $335.10 for the new house.

Garrison, Casano and Occhipinti are no strangers. Casano is a lawyer, a partner with Frank Occhipinti's brothers in the law firm of Occhipinti, Occhipinti, Casano and Kunz, and is associated with several Occhipinti business enterprises. Frank Occhipinti, besides building houses for Garrison and others, lives next door to Garrison, at 4558 Owens Blvd., and has extensive real estate and other business holdings, including partnerships with Carlos Marcello, who owns considerable real estate as well as heading up the Mafia in the New Orleans area.

Garrison indirectly enjoyed Marcello's hospitality at least once in Las Vegas. In 1967, the DA told reporters his expenses at the gambling spa were picked up by Mario Marino, a devoted "button man" (flunky) and one-time employee of Marcello. Marino, once summoned home by investigators for questioning, was met at New Orleans' airport by Marcello's brother Joseph and driven to Marcello's home in nearby Covington, where the boss presumably told him what to say. The FBI had a tail on them all the way.

Confidential records of the New Orleans police describe Marcello as "one of the most notorious underworld figures in the country," and the U.S. Immigration and Naturalization Service has been trying to deport him for years. Garrison, stoutly maintaining there is no organized crime in New Orleans, described Marcello in a taped NBC interview as "a respectable businessman." Mafia-watchers among lawmen got a howl out of that.

MARCELLO AND HIS BROTHER JOSEPH, together with Occhipinti and his brother Rosario ("Roy"), set up a partnership in late 1952 and built the Town and Country Motel, on leased land along the busy Airline Highway in Jefferson Parish, just outside New Orleans. Parish records show they sold it on February 1, 1964, to Stevie Motel, Inc. The purchase price was $420,694.91 for the 100-unit motel and its adjoining restaurant. The president of Stevie turns out to be Marcello's brother Joseph, and so there was no real change in ownership at all. As late as February 26, 1968, Jefferson Parish tax rolls listed Frank and Roy Occhipinti and Carlos Marcello as taxpayers of record for the Town and Country Motel.

The motel serves as headquarters for another Marcello-Occhipinti enterprise, Southern Tours, Inc. Another brother of Carlos, Anthony Marcello, is a partner in Southern Tours, which operates sight-seeing buses throughout the city from about 30 motels along the Airline Highway. The other partners are Frank and Roy Occhipinti and Basil Ingrassia, also a longtime Marcello

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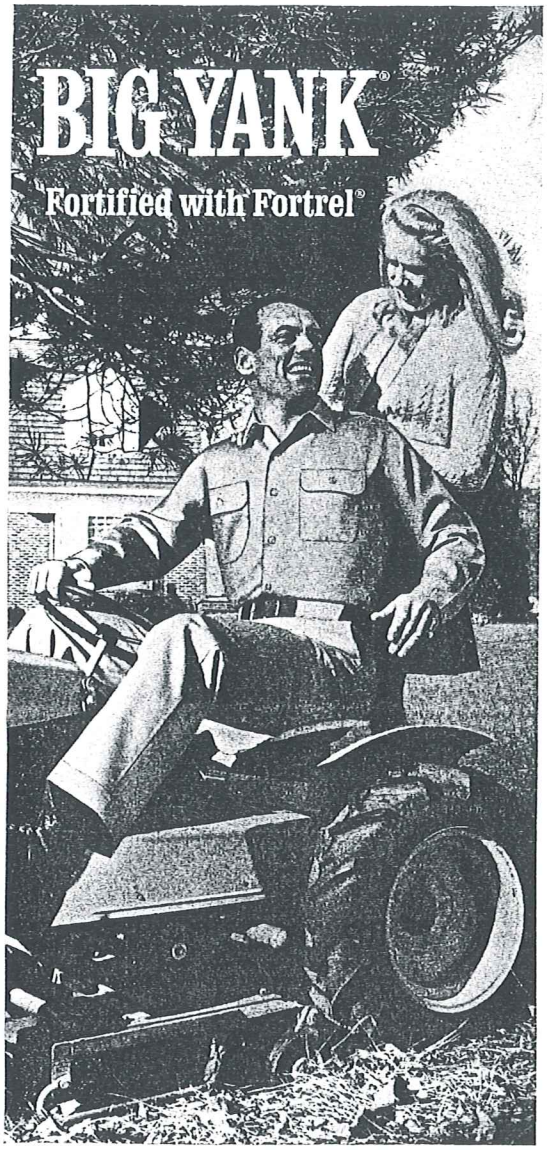

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associate. In furtherance of the Occhipintis' reputation as "money handlers" for Marcello, Frank Occhipinti also is a partner with Anthony Marcello in Marcello & Associates, a real estate and building firm.

Frank Occhipinti spends much of his time running the Rowntowner Motor Inn at 3900 Tulane Avenue in New Orleans. Casano, the Occhipinti lawyer, is listed as secretary-treasurer of the company. The Rowntowner's chief claim to fame these days is that while Garrison drops in occasionally, it is the almost nightly wateringhole of Judge Haggerty, who presided over the Shaw trial. Haggerty picked the Rowntowner as the place where the trial's jury would be housed and fed, with an automatic 15 percent tip for service. He bypassed several motels closer to the court.

Ed Haggerty is, or was—depending upon how he reacts to this article—an old-time neighborhood buddy of mine. We both grew up by the skin of our teeth in a rough, tough, battling, boozing, gambling neighborhood along the New Orleans waterfront called "The Irish Channel." A Saturday night without a fistfight at Toots Powell's Half-and-Half Saloon (half cash and half uncollectible credit) was not worth remembering. A mostly Negro Federal housing project has just about erased the Channel, but anybody who has read *Studs Lonigan* will know what it was like there in those blustery days before World War II changed everything. And anybody who has read *The Last Hurrah* has come a long way toward understanding Ed Haggerty today.

I waited for him at the Rowntowner bar, acting on a tip that he was there "almost every night from seven to nine." Sure enough, about 7:10 he came in, freshly barbered and in happy spirits. I told him who I was and he exuberantly pumped my hand, pounded my back and introduced me all around—first to Frank Occhipinti, who was sipping tap beer and circling about his place like a restless, friendly bear, and then to others. We reminisced about the late 1930's, when he was a law student and later an assistant district attorney and I was a newspaper copyboy by night and indifferent college student by day, and we congratulated ourselves on our escape from the bleak fate of so many of our old pals, mired for life in the blue-collar hopelessness of jobs with the railroad and on the waterfront. We laughed about how we used to sit in somebody's kitchen Saturday nights, and lay an economical "foundation" before hitting the Half-and-Half and its dime-a-bottle beer. We would sip Coke and drugstore bourbon while listening to *The Hit Parade* of the week's top songs on radio.

At the Rowntowner, the judge bought several rounds until, after a phone call from his wife, he reluctantly left for home. I noticed that he had become, like me, almost entirely gray-haired. I saw, too, that he was exceedingly nervous, rubbing his hand roughly across his mouth, that he talked almost nonstop and that he often gulped air like an emphysema sufferer. At his insistence, I dropped by his chambers the next morning. He had promised to talk about the Shaw case, but the press of his other business prevented that. He did give me three scrolls, making my son and daughter and me honorary citizens of New Orleans, and three little golden "key to the city" charms. We talked about his younger brother Dan, another old friend of mine, and about Dan's chances of winning election as clerk of the Criminal District Court, a job held for many years by their father. And Ed showed me a clipping of a news story about the day when, in open court but with the jury absent, he refused to accept a policeman as a witness against Shaw because he was convinced the officer was lying. The story applauded his ruling, which pleased Ed, but he objected to the reporter's description of him as "hard-drinking." He growled, "I stayed away from the stuff all through the trial, so help me."

It was a warm, nostalgic visit. It did nothing, however, to detract from the demonstrable truth that at the Rowntowner and elsewhere, there was a cozy arrangement among judge, jury and prosecutor, with a front for the Mob as host. And the defense was on the outside looking in.

Garrison had another kind of cozy arrangement: The source of his prosecution funds. Angered that the first disclosure of his investigation came when reporters read public records of his spending, he vowed to keep his operations secret by using borrowed or contributed money. About 50 New Orleans businessmen, many with political connections, obliged. They called themselves Truth And Consequences, Inc., and, between February, 1967, and October, 1968, came up with about $77,000—including $5,000 from Governor McKeithen. Apparently, the heaviest contributor, at between $25,000 and $30,000, was Willard E. Robertson, a Volkswagen dealer. Designated head of T&C was Joseph M. Rault, Jr., president of Rault Petroleum Corp. Garrison's mail also brought in many small contributions.

Even in easygoing New Orleans, some people wondered about the propriety of privately financing a public investigation. Was the next step dictation by the money-providers of what and whom to investigate? One man

subpoenaed for questioning sued T&C for interfering with his privacy and constitutional rights, but the suit was withdrawn. As with so many of Big Jim's doings, however, eyebrows but not voices were raised. Out of fear or apathy, nobody did anything. Garrison sailed on. He set up a checking account under the name of J. G. Safi—for "Jim Garrison's Special Aid for Investigation"—and spent the private funds as he saw fit. Sometimes, he got them mixed up with his own, as when he paid Tom Bethell, an aide who later quit in disgust, with a personal check. Bethell, a teacher from England who came to study jazz and wound up doing investigative work for Garrison, was indicted after he resigned. Like Gurvich, he was charged with theft of records from the DA's office.

More than a year ago, the Internal Revenue Service grew curious about Garrison's personal finances and associations. Two IRS special agents were dispatched to New Orleans to sniff around.

"There was a pretty strong smell," said a former high-ranking IRS official who asked that his name be withheld. "He was fairly close with a lot of characters, the kind who can operate only if they know the right people. We had a fairly substantial case, and it was still active when I left IRS this year. Garrison was uncooperative. He made a few charges that it was all a vendetta against him."

GARRISON'S VENDETTA LINE—"The Feds are after me," or some variation—has worked out to be a perfect ploy, however sincerely stated. No matter how they may burn privately, the heads of the FBI, CIA and Justice Department, and even Presidents Johnson and Nixon, have consistently presented a stony indifference publicly. President Johnson made a decision to do nothing, in the expectation that, like Senator McCarthy, Garrison would talk himself into oblivion. "The people of New Orleans will take care of him," it was said. Johnson's hands-off policy has been adopted by President Nixon.

The only Federal official to speak out publicly was Ramsey Clark, the Johnson Administration's last Attorney General. Clark, while still in office, told interviewers: "Mr. Garrison took a perfectly fine man, Clay Shaw, and ruined him for personal aggrandizement." That produced an immediate outcry from Garrison that "the Feds" were persecuting him because he had the audacity to challenge the Establishment.

Edward F. Wegmann, Shaw's attorney in civil matters for more than 20 years and caught up in his first criminal suit has tried in vain many times to elicit help from the Federal Government. In a recent effort, Wegmann appealed for aid in fighting the perjury charges brought against Shaw by Garrison. Wegmann corresponded with Deputy Assistant Attorney General D. Robert Owen, of the Justice Department's Civil Rights Division. He sent Owen a batch of material supporting his argument that Garrison's case was fraudulent from the beginning and that Big Jim knew it, that some witnesses lied and were bribed by the DA to do so, and that the whole sorry mess added up to a violation of Clay Shaw's civil rights under the law.

Owen, in a letter to Wegmann last April 16, replied that "we do not believe that at this time there is sufficient basis for Departmental investigation of the charges you have filed." He said the most that could be proved was that Garrison had misjudged the facts. He invited Wegmann, however, to submit any "further information [that might] come to your attention," including anything more on his charge that the DA's staff bribed witnesses to "procure palpably and knowingly false testimony."

Wegmann, an unusually calm and self-disciplined man, let his impatience with Washington's runaround show through in a warm rejoinder: "If any person, black or white, has ever been deprived of his constitutional rights in violation of the law of the land, that person is Clay L. Shaw, and the facts presented as well as those available, manifestly support that conclusion. . . . The prosecution of Mr. Shaw was and still is founded on and encased in fraud, pure and simple. The public prosecutor did not misjudge the facts. Quite to the contrary, he well knew, and so stated to one or more of his associates that there was no basis for the charges brought by him against Mr. Shaw. He well knew, prior to ordering the arrest of Mr. Shaw, that the witnesses whom he relied upon, not only were totally lacking in substance and quality, but that the stories told by them were bold-faced lies. . . . I submit that you and your associates have failed to recognize the thrust of my com-

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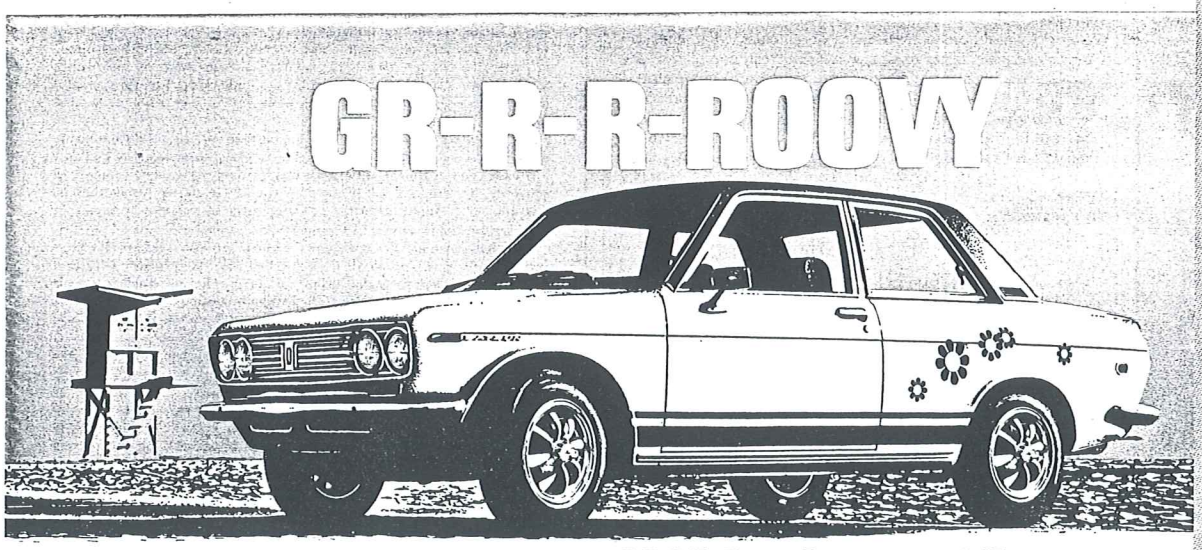

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plaint, or in the alternative, that for reasons you cannot or will not disclose, Jim Garrison is beyond the reach of justice. . . .

"The thrust of the complaint is that the entire prosecution, from the time of arrest on March 1, 1967, to date, and it continues, is based on fraud and not errors of judgment. . . . An innocent man has been the victim of a ruthless, unethical and fraudulent public prosecutor and his staff, who, with premeditation and full knowledge of the falsity of the charges brought against him, have used him for the sole purpose of obtaining a judicial forum for their attacks upon the integrity and credibility of the United States Government and the Warren Commission."

THE VICTIM OF IT ALL, Clay Shaw, is struggling today to put back together the shards of his shattered life. In our interview, he looked ahead: "The District Attorney deliberately arrested someone he knew was innocent and set out to build a case against him by perjury, fraud and intimidation. This is provable. In February, 1967, when Garrison announced he had solved the Kennedy assassination, he did not have a single one of the witnesses he later produced to testify against me. By his own admission, he dreamed it all up and then went out to find the evidence.

"I think part of my job, as I extricate myself from the horror of this two-year nightmare, is to see that this man is removed from office. In public office, he is a dangerous man. And I keep asking myself how many other Garrisons can there be. If it can happen here, it can happen anywhere else in the country. And this is true despite a law that says it is a crime for a prosecutor or any official to deprive a citizen of his constitutionally guaranteed rights under color of the law.

"We had a combination of an overzealous, unscrupulous, megalomaniac, paranoid public official and a paralysis or disinterest on the part of other public officials and institutions that are supposed to protect the rights of the individual. The Mayor, the Governor, the Attorney General of the United States, the President—all of them knew, I think, that an injustice was being done. Yet all our efforts to get any of them to do anything were unavailing. Given that example, other prosecutors of a similar bent are encouraged. If a prosecutor can violate the civil rights of an individual, and Federal officials sworn to protect those rights give him no let or hindrance, then it's open season for anyone who wants to do this kind of thing.

"Two facts are self-evident to me: One, this was a deliberate conspiracy to use me as a scapegoat to provide Garrison with publicity and with a forum for his own criticism of the Warren Commission. Two, he succeeded because various people were afraid or unwilling for one reason or another to do anything about it.

"And he isn't through yet. Now, I'm charged with perjury. He wants to prove that he isn't quitting, I think, and he can keep suspicion alive by hanging on. Second, if I file a suit against him, he has a bargaining counter: he could say, 'I'll drop my suit if you drop yours.' Finally, up for election, he can sidestep questions about the fiasco he made of the case by saying, 'I can't discuss that because it's still under adjudication.'

"What a man like this has going for him is the will to believe. It's very, very strong in many people. It doesn't matter what the evidence is or how many nuts he puts on the stand; people just go on believing. Another thing is that nobody wants to get involved. The best known example of this attitude, I guess, is Kitty Genovese, stabbed to death leisurely over a half-hour while 38 of her neighbors in New York watched and heard her screams.

"Well, we'd better start getting involved. If it can happen to me, it can happen to anybody."

And so there it is. Garrison wanted to try the Warren Report, and he needed a judicial forum. He also needed a patsy, a pawn. He could not just pick a bum off of a tier at Parish Prison. He had to pick a prominent man with a weakness. It had been said that the Warren Commission began with the premise that Oswald was guilty and then set out to find the evidence to prove it. Why not do the same thing? Why not beat the Warren Commission at its own game?

For two years, Garrison tried. He trotted out the weirdest assortment of witnesses this side of the jury in *The Devil and Daniel Webster*. Each time his jerry-built house of cards collapsed, he tried again. He cajoled, threatened, bribed, drugged and hypnotized witnesses. Ultimately, he lost the case, but it was only a case. What has Shaw lost?

Public apathy and official indifference to the plight of one man have allowed another, armed with enormous power conferred by the ballot, to subvert our legal system. Perhaps more. In a land supposedly governed by laws and not men, what have we all lost? END